THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 24988 OF 2004

Dated 2nd April, 2007

Between:

G.Chittamma and another.

…Petitioner

And

A.N.G.R. Agricultural University,
Rajendranagar, Hyderabad
represented by its Registrar.

…Respondent.

ORAL ORDER:

In this writ petition, the petitioner seeks a writ of mandamus to declare the action of the respondent in rejecting the case of the petitioners for appointment on compassionate grounds as illegal and arbitrary and a direction to appoint either of them in a suitable post.

The petitioners' father, by name, G.Satyanarayana, was working as Milk Recorder at N.G.Ranga University Research Center, Lam, Guntur. While so working, he died on 20.4.1999. The second petitioner who is a daughter of the deceased employee submitted a representation on 5.11.1999 seeking employment on compassionate grounds. It is stated that though as per the scheme, the petitioner had to file several certificates, namely, Death Certificate, Legal Heir certificate from the MRO, Educational Qualifications, No Earning member declaration forms, undertaking etc. but several certificates were not filed and in spite of the same, the University considered as per the scheme and rejected the case of the second petitioner for appointment vide Memo No.50716/Ser.III/A1/2003, dated 6.8.2004.

It is the case of the petitioners that though one of them is entitled for employment on compassionate grounds, in spite of their representations within the stipulated time, the respondent has not considered extending the benefit of compassionate appointment.

In the counter affidavit filed on behalf of the respondent, it is stated that as per the scheme for making compassionate appointments, a minor child who does not attain the age of majority

within a period of two years from the date of the demise of the employee is not eligible for consideration. It is stated that as per the date of birth certificate furnished by the second petitioner, she was only 13 years old as on the date of the demise of the father and would not attain the age of majority within the specified time. Counter affidavit denies filing of any application by the first petitioner within the timeframe, as alleged by her. Further, it is stated that the scheme requires an application seeking appointment to be made within a period of one year. The said aspect is not controverted by filing any reply affidavit.

Now, it is a settled proposition that for extension of the benefit of compassionate appointment under the scheme, the applicant should satisfy the requirements of the said scheme. The petitioners have a right to be considered under the scheme, provided they satisfy the criteria laid down under the scheme. In this case, it is stated that the father of the petitioners died on 5.11.1999 while in service and though application was made by the second petitioner within the time as per the scheme, but, as she was minor and did not attain the age of majority within a period of two years from the date of death of the deceased employee, her case could not be considered. So far as the first petitioner is concerned, it is stated that though it is alleged by the petitioners that series of applications were filed by the first petitioner, the same is denied in the counter affidavit by stating that except representations dated 5.11.1999 and 10.12.2003, there is no other representation. In that view of the matter and further having regard to the fact that the deceased employee died on 5.11.1999, no direction can be given at this stage.

The writ petition, which is devoid of merits, is accordingly dismissed. No costs.

2.4.2007

R.SUBHASH REDDY, J.

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